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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

MARY ANNE ARMSTRONG, JOSEPH
ELLER AND CAROLE HOWARD,

Plaintiffs,

v.

PFIZER INC., PHARMACIA
CORPORATION, and G.D. SEARLE, LLC,

Defendants.

MDL NO. 1699

District Judge: Charles R. Breyer

**STIPULATION AND ORDER OF
DISMISSAL WITHOUT PREJUDICE AS
TO PLAINTIFF JOSEPH ELLER**

Case No. 06-cv-05804-CRB

Come now the Plaintiff and Defendants, by and through the undersigned attorneys,
pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby stipulate to the dismissal of
Plaintiff, Joseph Eller from this action without prejudice with each side bearing its own attorney's
fees and costs.

Should Plaintiff or a representative of Plaintiff attempt to re-file claim against
Defendant's, they should do so only by re-filing in the United States District Court.

1 Dated: April 18, 2007

Respectfully submitted,

2 THE MILLER FIRM, LLC

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4 By: David C. Andersen
5 DAVID C. ANDERSEN

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13 Dated: 5-14-07

Respectfully submitted,

15 GORDON & REES

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24 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS
25 SO ORDERED**

26 Dated: May 15, 2007

27 Hon. Charles R. Breyer
28 United States District Court

